

12-1-18 OPEN EXTRACTION OF EARTH PRODUCTS

12-1-1801 EXPOSED SLOPES

No cut or fill shall result in a final slope that exceeds the critical angle or repose (e.g. 33 degrees for gravel deposits. Where grading work will produce temporary cuts and fills that exceed the angle of repose, a cash or surety bond in the amount set by the Zoning Administrator to cover the cost of reclamation, but not less than \$5,000.00 per acre, shall be posted by the property owner to guarantee reclamation and compliance with these provisions and the nuisance provisions of Title 12 of the Juab County Code. A violation of either provision shall be sufficient grounds for forfeiture of the entire bond to Juab County. If the bond is over \$5000.00 per acre and the owner disputes the cost of reclamation set by the Zoning Administrator, the Legislative Body may determine that cost and set the bond amount, upon appeal by the owner. The bond shall be accompanied by an agreement that states the terms for rehabilitating the land and refunding of the bond.

12-1-1802 INTENT

The intent and purpose of this section is to provide for the extraction of earth products using surface mining methods, for stockpiling mined materials, and for the placement of overburden and leftover earth materials in mining waste dumps, while protecting the environment, the rights of neighboring property owners, and roads and other public facilities from unusual wear or damage.

12-1-1803 SCOPE

The provisions of this section shall apply to all sites where sand, gravel, clay, topsoil, rocks, or minerals will be extracted by an open pit method; to sites where such extracted earth products are stockpiled; and to sites where overburden and leftover earth materials are placed in waste dumps.

Exception: sites having a valid, current permit at the time of passage of this ordinance shall be completed according to the terms of such permit and any bonding agreements appurtenant thereto.

12-1-1804 CONDITIONS

The Zoning Administrator shall issue a permit for an open pit, a stockpile, or a waste dump only when all of the following are met:

1. The site lies in a zone where such use is a permitted use.
2. The applicant has presented an accurate site plan that shows the topography, utilities, roads and structures on the site at both the pre-permit stage and the stage after completing the excavation and rehabilitation of the pit.
3. There shall be no limit as to the area or portion of a lot that may be disturbed and involved in the extraction process as long as the entire disturbed area has been included in the rehabilitation bond; also there shall be no limit to the time period used to complete the extraction of material.

Exception: upon finding such is necessary to protect the property values of neighboring property interests or to preserve desirable aesthetics, the county commission may require as part of the bond agreement that the extent of the disturbed area at the site of extraction shall be no larger than seven (7) acres at any one time and/or may require that the extraction process shall cease and the site rehabilitated (whether or not all materials have been obtained) within a specific time period, not to be less than 5 years. When limited to 7-acre units, the pit, or portions of it, shall be closed, rehabilitated, and approved by the Zoning Administrator as meeting the standards of this ordinance before further areas are disturbed.

4. The standards for rehabilitating (Reclaiming) the site shall be:
 - a. The side walls of a pit or mound shall be smoothed and evenly contoured, and the floor of a pit or top of a mound shall be flattened and leveled.

- b. Mounds of fill shall not remain after rehabilitation of an extraction operation, even if utility poles must be relocated at the operators expense; mounds may only be permitted in conjunction with a mine waste dump.
 - c. No depression which lacks a surface outlet, nor pond or intermittent lake on the floor of the pit, shall exist on the rehabilitated site.
 - d. No slope shall be steeper than the critical angle of repose (e.g. 33 degrees for gravel deposits).
 - e. All areas shall be covered with a three-inch or thicker layer of topsoil and reseeded with a hardy plant material having a sufficient concentration to screen at least 25% of the exposed surface from view.
5. When the pit (or mound) and rehabilitation bond are proposed to cover less than the entire area of the lot, the operator shall place clearly identifiable survey markers on the outer boundaries of the bonded area and shall maintain such until the bond is released by Juab County. The county commission may request an annual on-site investigation and report of the County Surveyor to determine whether the terms of the grading plan, rehabilitation plan and bond agreement are being met.
6. Surface mining shall proceed in an orderly manner from the outer boundaries and lower slopes of the property inward and upward so the property can be rehabilitated in the older areas of the pit while new areas are being opened up.
7. Dust generated in the extraction and processing of the earth products shall be kept under control by the operator and contained on-site by paving main roads in the pit, wetting extraction areas and loaded trucks, placing berms or landscape screening for protection from the prevailing winds and other suitable measures.
8. All cuts and fills shall be set back from the property boundary or boundary of the approved extraction site a distance of at least five (5) feet.
9. The applicant shall present an off-site plan of any local public streets which loaded trucks will use in gaining access to state highways and arterial streets. The pit operator shall be liable for any severe damage his operation causes to such local

roads.

10. The pit and/or extraction operation shall not constitute a nuisance.

12-1-1805 BOND

1. A cash or surety bond in the amount set by the Zoning Administrator, but not less than \$5000.00 per acre, shall be posted by the applicant to guarantee compliance with these regulations. A violation of either provisions shall be sufficient grounds for forfeiture of the entire bond to Juab County. If the bond is over \$5000.00 per acre and the owner disputes the cost of reclamation set by the Zoning Administrator, the county commission may determine the cost and set the bond amount, upon appeal by the owner.
2. The maximum bond and bond agreement period shall be seven years, after which time the bond amount shall be reevaluated based on inflation, the current costs of rehabilitation, and the amount of rehabilitation or excavation that has occurred during the elapsed time.
3. Any bond shall be accompanied by an agreement between Juab County and the applicant (plus the property owner if the latter is not also the applicant) wherein the county agrees to return the bond at the completion of work if the standards of this section have been met, and the applicant and property owner agree that the bond shall be forfeited in the event of noncompliance and to permit the county to enter upon the land to close operation and rehabilitate the excavated or filled areas. Any ambiguity or deficiency in the working of the bond agreement shall be interpreted to include the terms of this section.
4. It shall be a violation to not complete the rehabilitation within one year of cessation of operations and grounds for forfeiture of the bond. The “trigger” for such forfeiture shall be any two (2) year period of time in which no material is extracted, or any one (1) year period when there is no current business license in effect.
5. Notwithstanding the forfeiture of the bond, the applicant shall retain individual responsibility to fully comply with this ordinance, the terms of the permits issued

thereunder, and the balance of any expense not covered by the bond to rehabilitate the property.

12-1-1806 PERMITS

In addition to the business licenses and building (or grading) permits required elsewhere in county ordinance, any open pit operation shall be required to have a current zoning compliance permit. No zoning compliance permit for an open pit operation shall be for a period of validity past December 31 of each calendar year, but the permit shall be automatically renewed if the pit is found to be in compliance with the standards of this ordinance. The Zoning Administrator, with the advice of the county surveyor, shall determine if such compliance exists.